

Reasons for decision

What you requested

"access to documents held by the Commission, including correspondence, relating to the QR codes used in the 2020 election.

I apply for access to documents containing information about:

- Audits of QR codes issued for voting and administrative actions
- Missing or extra QR codes
- Inconsistencies in QR code production, handling, or destruction
- Reviews or changes to the audit method or process
- The algorithm used to create voter QR code data

I also apply for documents containing totals and statistics about the number of QR codes:

- Printed
- Issued to voters or polling officials
- Scanned
- Recovered from voters or polling officials
- Destroyed

And how many times each QR code was scanned.

To be clear, I am seeking summary statistics and individual QR code exception reports. You can exclude documents that only consist of detailed information about large numbers of typical QR codes.

Just a quick amendment:

I would also like documents containing information about:

- The algorithm used to generate the admin QR codes which authenticate polling officials
- Audits and summary statistics for the QR codes used during user acceptance testing, since they are identical to the QR codes used during the election.

As a general clarification, I am seeking documents related to the following Elections ACT processes:

'Election officials in electronic polling places account for e-voting cards in much the same way as they do for paper ballots. They provide records of e-voting cards issued which are compared with the number of electronic votes cast.

Reports of errors, votes not concluded as described on page 14 of the eVACS Operational Concept Description

The various checks and reconciliations described on page 41 of the HAZOP Study eVACS a election system, which contain information about discrepancies between the number of e-voting cards issued, and the number of votes recorded.

I am also seeking documents related to similar admin QR code tracking processes that Elections ACT carries out to ensure election security. And I am seeking other documents related to QR Code security, as specified in my request.”

What I took into account

In reaching my decision, I took into account:

- Your original access application dated 24 February 2021.
- Your amendment dated 24 February 2021.
- Your clarification dated 13 March 2021.
- The documents containing the information that fall within the scope of your access application.
- Consultations with ACT government officers about the nature of the documents.
- Consultations with third parties about information concerning them.
- The FOI Act.
- The ACT Ombudsman’s FOI guidelines documentation.

Reasons for my decision

I am authorised to make decisions under section 18 of the FOI Act.

I have decided that some documents or parts of some documents that contain the information you requested contain information that is, on balance, contrary to the public interest to disclose under the test set out in section 17 of the FOI Act. My findings of fact and reasons are discussed below.

Out of scope

I have redacted information to parts of document 3, due to the redacted information being out of scope in relation to this access application.

In making this decision I have previously made contact with the FOI section of the ACT Ombudsman’s office to ensure such activity is in accordance with the FOI Act. The ACT Ombudsman’s office advised that redaction of information on this basis is in compliance with the FOI Act.

Schedule 2, section 2.2(a)(xi)

I have decided that the prejudice to trade secrets or business affairs of a person is the determinative factor in favour of non-disclosure of parts of documents 2 and 10.

Section 2.2 of schedule 2 of the FOI Act provides that:

The following are factors favouring nondisclosure in the public interest:

- (a) Disclosure of the information could reasonably be expected to do any of the following:...
- (xi) prejudice trade secrets, business affairs or research of an agency or person.

I am satisfied the disclosure of some information contained in these documents could reasonably be expected to prejudice trade secrets or business affairs of an agency.

The information I have decided not to disclose includes details that could reasonably be expected to impact the commercial interests of the company who provided QR code printing services to Elections ACT.

The public interest test set out in section 17 of the FOI Act involves a process of balancing public interest factors favouring disclosure against public interest factors favouring nondisclosure to decide whether, on balance, disclosure would be contrary to the public interest.

When weighing up the public interest for and against disclosure under Schedule 2 of the FOI Act, I have taken into account relevant factors in favour of disclosure. In particular, I have considered the extent to which disclosure would promote the objects of the FOI Act and promote open discussion of public affairs and enhance the organisation's accountability.

Based on the above, I have decided that in this instance, the public interest in disclosing this commercial-in-confidence information, related to the fees and charges related to the production of QR codes, in these documents is outweighed by the public interest against disclosure because the disclosure of information of this nature would significantly prejudice the relevant companies commercial interests should this information be made publicly available on Elections ACT's FOI disclosure log, as is required under the FOI Act.

On this basis, I am satisfied disclosure of some information contained in these documents could reasonably be expected to prejudice the trade secrets, business affairs or research of an agency or person.

Schedule 2, section 2.2(a)(ii)

I have decided that the prejudice to individuals' privacy is the determinative factor in favour of non-disclosure of parts of documents 5, 6 and 10.

Schedule 2, section 2.2(a)(ii) is a factor favouring nondisclosure if:

disclosure of the information could reasonably be expected to prejudice the protection of an individual's right to privacy or any other right under the Human Rights Act 2004.

I am satisfied the disclosure of some information contained in this document could reasonably be expected to prejudice the protection of an individual's right to privacy.

The information I have decided not to disclose includes an individual's personal contact details such as phone numbers and email addresses and signatures.

The public interest test set out in section 17 of the FOI Act involves a process of balancing public interest factors favouring disclosure against public interest factors favouring nondisclosure to decide whether, on balance, disclosure would be contrary to the public interest.

When weighing up the public interest for and against disclosure under Schedule 2 of the FOI Act, I have taken into account relevant factors in favour of disclosure. In particular, I have considered the extent to which disclosure would promote the objects of the FOI Act and promote open discussion of public affairs and enhance the government's accountability.

Based on the above, I have decided that in this instance, the public interest in disclosing the private contact information and signatures in these documents is outweighed by the public interest against disclosure because the disclosure of information of this nature would significantly prejudice the relevant individual's privacy.

On this basis, I am satisfied disclosure of some information contained in these documents could reasonably be expected to prejudice the protection of an individual's right to privacy.

Information not held by the agency

You have sought the algorithm used to create voter and admin QR codes. The algorithm used is a library function, 'pgcrypto', provided by PostgreSQL and details of its use are available in the PostgreSQL Manual. A copy of that Manual is not in the possession of Elections ACT.

You have also sought documents containing information about "audits and summary statistics for the QR codes used during user acceptance testing, since they are identical to the QR codes used during the election". The QR codes used during user acceptance testing are not identical to the QR codes used during the election. Any QR codes set up and printed for use during user acceptance testing are valid only for the test election in which they were generated. Any QR code generated for a test election will not be valid for a different test election or the real electoral event. Accordingly, no documentation is maintained regarding QR codes generated and used during testing.

You have also sought information about missing or extra QR codes, inconsistencies in QR code production, handling or destruction and reviews or changes to the audit method or process. Elections ACT could not identify any documents that met the scope of these requests.

You have also sought documents containing totals and statistics about the number of QR codes recovered from voters or polling officials, as well as documents related to how many times each QR code was scanned. Elections ACT could not identify documents that met the scope of these requests. However, the 2020 Election report, which is to be tabled in the Assembly shortly, does discuss the matter of electors failing to complete their electronic voting process. It is estimated that there were approximately 383 occurrences of this issue at the 2020 election.

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